

TEXT OF FINAL REGULATION

Current wording is indicated by regular type.
Originally proposed deletions are indicated by ~~strikeout~~.
Originally proposed additions are indicated by underline.

TITLE 3. CALIFORNIA CODE OF REGULATIONS
DIVISION 6. PESTICIDES AND PEST CONTROL OPERATIONS
CHAPTER 3. PEST CONTROL OPERATIONS
SUBCHAPTER 3. PESTICIDE WORKER SAFETY
ARTICLE 2. GENERAL SAFETY REQUIREMENTS

Amend section 6738(b)(1)(a), (c)(1)(A), and (g)(2) to read:

6738. Personal Protective Equipment.

...

(b) The employer shall assure that:

(1) Employees wear protective eyewear when required by pesticide product labeling (except as expressly provided in this section) or when employees are engaged in:

(A) Mixing or loading, except as provided in 6738(~~h~~ h);

(B) Adjusting, cleaning, or repairing mixing, loading, or application equipment that contains pesticide in hoppers, tanks, or lines;

(C) Application by hand or using hand held equipment, except when:

1. Applying vertebrate pest control baits that are placed without being propelled from application equipment;

2. Applying solid fumigants (including aluminum phosphide, magnesium phosphide, and smoke cartridges) to vertebrate burrows;

3. Baiting insect monitoring traps; or

4. Applying non-insecticidal lures.

(D) Ground application using vehicle mounted or towed equipment, except when:

1. Injecting or incorporating pesticides into soil;

2. Spray nozzles are located below the employee and the nozzles are directed downward; or

3. Working in an enclosed cab; or

(E) Flagging, except when the flagger is in an enclosed cab.

(2) Whenever protective eyewear is required, one of the following types of eyewear is worn:

(A) Safety glasses that provide front, and supplemental brow and temple protection (Common eyeglasses, including sunglasses, do not meet this requirement);

(B) Goggles;

(C) Face shield;

(D) Full face mask used in conjunction with respiratory protection; or

(E) Visor (for aircraft operation only).

(c) The employer shall assure that:

(1) Gloves are worn when required by the pesticide product labeling (except as expressly provided in this section) or (unless the pesticide product labeling specifies that gloves must not be worn), when employees are engaged in:

(A) Mixing or loading, except as provided in 6738(i h);

(B) Adjusting, cleaning or repairing contaminated mixing, loading, or application equipment; and

(C) Application by hand or using hand-held equipment, except when applying vertebrate pest control baits using long handled implements that avoid actual hand contact with the bait or potentially contaminated areas of equipment.

(2) If a specific type of glove is not specified on product labeling for the pesticide being handled, gloves made of rubber, neoprene, or other chemical resistant material that provides equivalent or better protection are used. Gloves or glove linings of leather, cotton, or other absorbent materials shall not be worn unless expressly permitted by pesticide product labeling. If chemical resistant gloves with sufficient durability and suppleness are not available, leather gloves may be worn over chemical resistant glove liners. Once leather gloves have been used for this purpose, they shall not be worn in any other situation.

(d) The employer shall assure that:

(1) When chemical resistant footwear is specified by the pesticide product labeling, one of the following types of footwear is worn:

(A) Chemical resistant shoes;

(B) Chemical resistant boots; or,

(C) Chemical resistant coverings worn over boots or shoes.

(2) For aircraft operation, chemical resistant footwear need not be worn.

(e) The employer shall assure that when chemical resistant headgear is specified by the pesticide product labeling, either a chemical resistant hood or a chemical resistant hat with a wide brim is worn. For aircraft operation, a helmet may be substituted for chemical resistant headgear.

(f) The employer shall assure that when a chemical resistant apron is specified by the pesticide product labeling, a garment that covers the front of the body from mid-chest to the knees is worn.

(g) The employer shall assure that:

(1) When pesticide product labeling or regulations specify a chemical resistant suit, waterproof or impervious pants and coat or a rain suit, a chemical resistant suit that covers the torso, head, arms, and legs is worn.

(2) If the ambient temperature exceeds 80°F during daylight hours or 85°F during nighttime hours (sunset to sunrise) pesticides requiring a chemical resistant suit are not handled by employees unless they are handled pursuant to exceptions and substitutions permitted in (i h) or employees use cooled chemical resistant suits or other control methods to maintain an effective working environment at or below 80°F during daylight hours or 85°F during nighttime hours (sunset to sunrise).

(h) The following exceptions and substitutions to personal protective equipment required by pesticide product labeling or regulations are permitted:

(1) Persons using a closed system to handle pesticide products with the signal word "DANGER" or "WARNING" may substitute coveralls, chemical resistant gloves, and a chemical resistant apron for personal protective equipment required by pesticide product labeling;

(2) Persons using a closed system to handle pesticide products with the signal word "CAUTION" may substitute work clothing for personal protective equipment required by pesticide product labeling;

(3) Persons using a closed system that operates under positive pressure shall wear protective eyewear in addition to the personal protective equipment listed in (1) or (2). Persons using any closed system shall have all personal protective equipment required by pesticide product labeling immediately available for use in an emergency;

(4) Persons properly mixing pesticides packaged in water soluble packets are considered to be using a closed (mixing) system for the purposes of this subsection;

(5) Persons occupying an enclosed cab (including cockpit) may substitute work clothing for personal protective equipment required by pesticide product labeling. If respiratory protection is required it must be worn, except in an enclosed cockpit;

(6) Persons occupying an enclosed cab acceptable for respiratory protection may substitute work clothing for personal protective equipment required by pesticide product labeling;

(7) Persons working in an enclosed cab, as specified in (5) and (6), other than an aircraft, shall have all personal protective equipment required by pesticide product labeling immediately available and stored in a chemical resistant container, such as a plastic bag. Labeling-required personal protective equipment shall be worn if it is necessary to work outside the cab and contact pesticide treated surfaces in the treated area. Once personal protective equipment is worn in the treated area, it shall be removed and stored in a chemical resistant container, such as a plastic bag, before reentering the cab;

(8) A chemical resistant suit may be substituted for coveralls and/or a chemical resistant apron; and

(9) Pest control aircraft pilots are not required to wear gloves during operation but gloves shall be worn by any person entering or exiting an aircraft contaminated with pesticide residues. While in the cockpit, gloves shall be carried in a chemical resistant container, such as a plastic bag.

NOTE: Authority cited: Sections 11456 and 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

Amend section 6739(e), (j), and (q) to read:

6739. Respiratory Protection.

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(e) Fit Testing. The employer shall assure that employees using a tight-fitting facepiece respirator pass an appropriate qualitative fit test (QLFT) or quantitative fit test (QNFT).

(1) The employer shall ensure that an employee using a tight-fitting facepiece respirator is fit tested ~~prior to~~ before initial use of the respirator, whenever a different respirator facepiece (size, style, model or make) is used, and at least annually thereafter.

(2) The employer shall conduct an additional fit test whenever the employee reports, or the employer, PLHCP, supervisor, or respirator program administrator makes visual observations of changes in the employee's physical condition that could affect respirator fit. Such conditions include, but are not limited to, facial scarring, dental changes, cosmetic surgery, or an obvious change in body weight.

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(j) Inspection and Repair.

(1) The employer shall ensure that all respirators are inspected before each use and during cleaning, and that:

(A) Routine-use respirator inspections include the following:

1. A check of respirator function, tightness of connections, and the condition of the various parts including, but not limited to, the facepiece, head straps, valves, connecting tube, and cartridges, canisters or filters;
2. A check of elastomeric parts for pliability and signs of deterioration; and
3. SCBA air cylinders are checked to ensure that ~~they are recharged when the pressure falls at least one routine use~~ SCBA air cylinder is charged to 80 percent of the manufacturer's recommended pressure level ~~by the end of any workday at the beginning of the workday.~~

(B) Emergency-use respirators are also inspected at least monthly according to the routine-use inspection criteria, and in accordance with the manufacturer's recommendations. For escape-only respirators, also conduct inspection before being brought into the workplace for use. For both emergency use and escape-only respirators, inspections shall include the following:

1. A check for proper function before and after each use;
2. Certify by documenting the date the inspection was performed, the name (or signature) of the person who made the inspection, the findings, required remedial action, and a serial number or other means of identifying the inspected respirator; and that this information is included on a tag or label that is attached to the storage compartment for the respirator or is kept with the respirator. This information shall be maintained until replaced following a subsequent certification;
3. A check for properly functioning SCBA regulator and warning devices; and
4. SCBA air cylinders are checked to ensure that they are maintained at 100 percent manufacturer's recommended capacity.

(2) The employer shall ensure that respirators that fail an inspection or are otherwise found to be defective shall be removed from service, and discarded, repaired, or adjusted in accordance with the following procedures:

(A) Repairs or adjustments to respirators shall be made only by persons appropriately trained to perform such operations and shall use only the respirator manufacturer's NIOSH-approved parts designed for the respirator;

(B) Repairs shall be made according to the manufacturer's recommendations and specifications for the type and extent of repairs to be performed; and

(C) Reducing and admission valves, regulators, and alarms shall be adjusted or repaired only by the manufacturer or a technician trained by the manufacturer.

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(q) Medical Evaluation Questionnaire. The completion of this form, or a form that obtains the same information as the medical questionnaire ~~to the DEPARTMENT OF PESTICIDE REGULATION~~, by each respirator wearing employee; and the review of the completed form by a physician or licensed health care provider, is mandatory for all employees whose work activities require the wearing of respiratory protection.

The medical evaluation questionnaire shall be administered in a manner that ensures that the employee understands the document and its content. The person administering the questionnaire shall offer to read or explain any part of the questionnaire to the employee in a language and manner the employee understands. After giving the employee the questionnaire, the person administering the questionnaire shall ask the following question of the employee: "Can you read

and complete this questionnaire?" If the answer is affirmative, the employee shall be allowed to confidentially complete the questionnaire. If the answer is negative, the employer must provide either a copy of the questionnaire in a language understood by the employee or a confidential reader, in the primarily understood language of the employee.

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NOTE: Authority cited: Sections 11456 and 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.